

RESOLUTION NO. 97-179

A RESOLUTION OF THE LODI CITY COUNCIL  
DECLARING ITS INTENTION TO ESTABLISH THE  
DOWNTOWN LODI BUSINESS IMPROVEMENT AREA

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WHEREAS, the California Streets and Highways Code Section 36500 et seq., authorizes cities to establish Parking and Business Improvement Areas for the purpose of promoting economic revitalization and physical maintenance of business areas in order to create jobs, attract new business and prevent erosion of the business area; and

WHEREAS, the Downtown Lodi Business Improvement Area Formation Committee ("the Committee") has requested the Lodi City Council to establish such an Improvement Area.

NOW THEREFORE the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

1. The recitals set forth herein are true and correct.
2. The City Council does, at the request of the Committee, and pursuant to the California Streets and Highways Code, declare its intention to establish the "Lodi Business Improvement Area No. 1" ("the Area").
3. The boundaries of the entire area to be included in the Area, and the boundaries of each separate benefit zone within the Area, are set forth in the Map, EXHIBIT A, incorporated herein by reference. A true and correct copy of the map is on file with the City Clerk of the City of Lodi.
4. The types of improvements and activities proposed to be funded by the levy of assessments on business in the Area are in EXHIBIT B hereto and incorporated by reference.
5. The City Council intends to levy an annual benefit assessment on businesses in the Area, except where funds are otherwise available, to pay for all improvements and activities of the Area.
6. All funds of the Area shall be expended on improvements and activities within the Area.

7. The method and the basis for levying the assessments on all the businesses within the Area are set forth in the EXHIBIT C hereto, incorporated herein by reference.
8. New businesses shall be exempt from assessment until the next billing period following their establishment occurs.
9. A public hearing to establish the Area is hereby set for November 5, 1997, at 7:00 p.m. or as soon thereafter as possible before the City Council of the City of Lodi, at the Carnegie Forum, 305 West Pine Street, Lodi, CA. This public hearing shall be deemed to be the public meeting called for by California Government Code §54954.6(a)(1). Additionally, the City Council further establishes the date of December 3, 1997 as the date for the public hearing called for by California Government Code §54954.6(a)(2). The hearing is to be held before the City Council of the City of Lodi at the Carnegie Forum, 305 West Pine Street, Lodi, CA at 7:00 p.m. or as soon thereafter as possible.
10. At the public hearing the testimony of all interested persons, for or against the establishment of the Area interested in matters concerning the boundaries of the Area, the areas of benefit within the Area and the assessments to be levied, will be heard.
11. A protest against the Area, or any aspect of it may be made orally or in writing. An oral protest shall be made at the said public hearing. To count in the majority protest against the Area, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business, and its address. If the person signing the protest is not shown on the official records of the City of Lodi as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or sufficiency of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made.
12. If at the conclusion of the public hearing there are of record, written protest by the owners of the businesses within the Area that will pay fifty percent (50%) or more of the total assessments of the entire Area, no further proceedings to create the Downtown Lodi Business Improvement Area shall occur. New proceedings to form the Area shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority written protest is only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the Area.

13. Further information regarding the proposed Downtown Lodi Improvement Area may be obtained from the City Clerk of the City of Lodi, at City Hall, 221 West Pine Street or telephone (209) 333-6702.
14. The City Clerk is instructed to provide notice of the public hearing as follows:
  - a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, for at least seven (7) days before the hearing.
  - b. Mail a complete copy of this Resolution of Intention to each and every business owner in the Area within seven (7) days of the adoption of this Resolution by the City Council.
15. This Resolution is effective on its adoption.

Dated: October 15, 1997

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I hereby certify that the foregoing to be a true, full and correct copy of Resolution No. 97-179, duly passed and adopted by the Lodi City Council in a regular meeting held October 15, 1997 by the following vote:

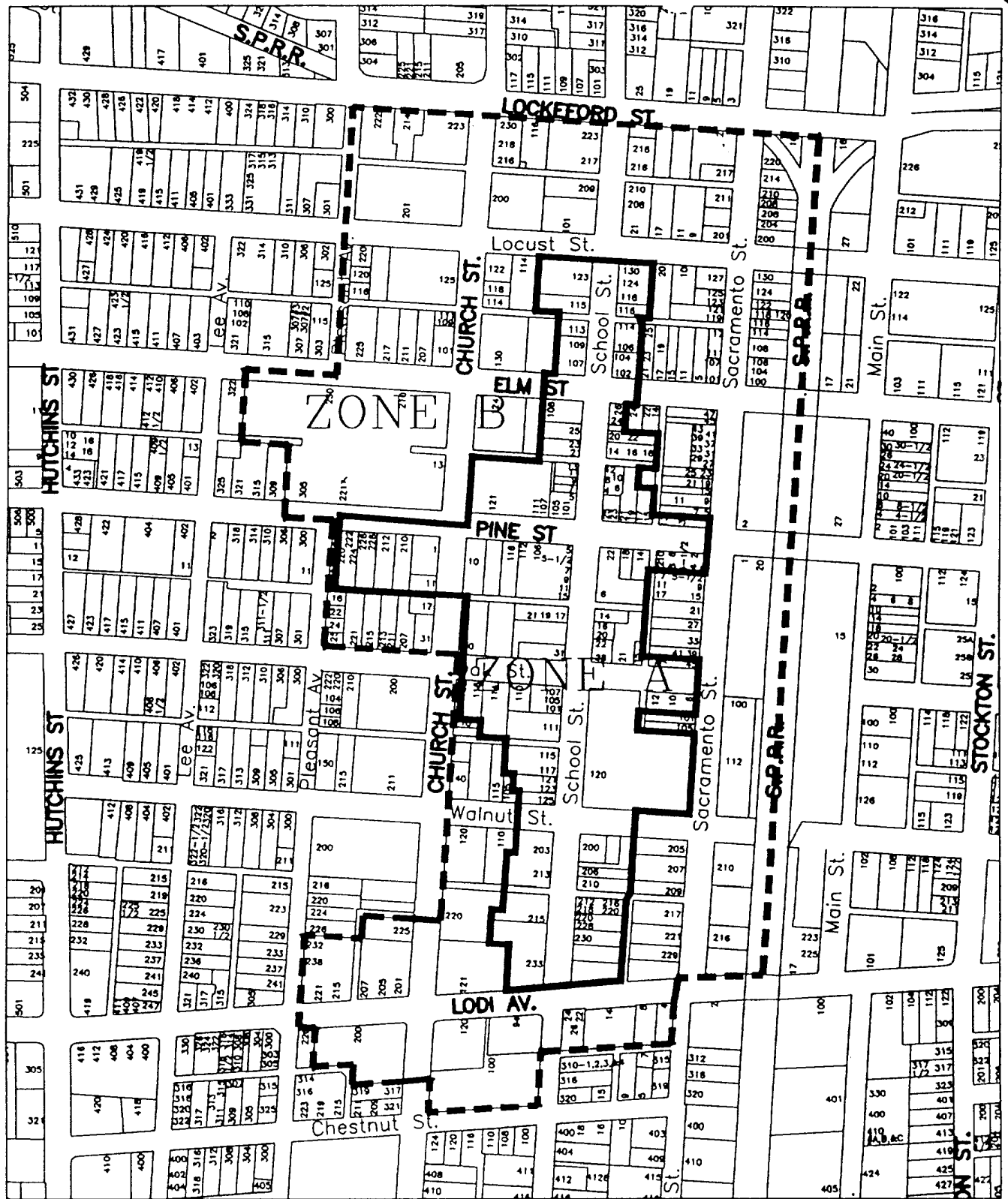
AYES: COUNCIL MEMBERS – Land, Mann, Sieglock, Warner and Pennino  
(Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

  
ALICE M. REIMCHE  
City Clerk



PROPOSED BIA BOUNDARIES

## EXHIBIT B

### NARRATIVE DESCRIPTION OF BIA PROGRAMS

Funds from the BIA will be used to establish but are not limited to the following programs:

A. Image Building:

- “Shop Lodi First” campaign intended to discourage community shoppers from going to nearby malls and community areas.
- Periodic institutional campaigns centered around prime shopping times – Easter, Christmas, etc.

B. Retail Events and Activities:

- Art Fairs
- Street Fairs
- Sidewalk Sales
- Back to School Sales
- Holiday Festivities
- Patriotic Themes

C. Coordinated Marketing Activities:

- Advertising supplements for local newspapers
- Direct mail promotions

D. Streetscape Involvement's

- Trash receptacles
- Flowers and plants at selected locations
- Physical cleanup of streets and sidewalks
- High visibility facade improvements

E. Commercial Recruitment and Retention

- Work with the City's Economic Development coordinator and the Chamber of Commerce to actively seek the most suitable business to fill existing vacancies or vacancies as they occur.
- Provide support services to existing businesses needing assistance in order to remain in the downtown area.

## EXHIBIT C

### AREA ASSESSMENT FORMULA

The BIA is a self-motivated business program funded by an annual assessment based on a formula developed by the Committee, made up entirely of downtown business owners.

The assessment formula is based on type of business and location in order to offer a fair and equitable charge for each business in the Area. The assessment will be collected by the City and turned over in total to downtown businesses for use to fund an annual and year-to-year program of economic stimulation and business enhancement.

All business owners stand to benefit to a much greater extent than what the annual fee might be.

A. Business Type Definitions:

- Retail: The buying and reselling of tangible goods.
- Restaurant and Bar: Selling prepared foods or drinks.
- Service: Offers intangible services of a non-professional nature. Lodging is included in this classification.
- Finance: Offers banking-related services.

B. Proposed Lodi BIA Annual Benefit Fee

	Zone A	Zone B
Retailers and Restaurants	\$200.00 (1-3 emp.) \$300.00 (4-6 emp.) \$400.00 (7+ emp.)	\$100.00 \$150.00 \$200.00
Service Businesses	\$150.00	\$ 75.00
Professional Businesses	\$100.00	\$ 50.00
Financial Institutions	\$500.00	\$500.00